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Short Title: Clarify Authority/Regulation of Cervids.

(Public)

Sponsors:

Referred to:

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF
AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE
RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF
CERVIDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-129(1b) reads as rewritten:

"(1b) Big Game. – Bear, wild boar, wild turkey, and deer, ~~not to include fallow deer or red deer raised for production and sale under G.S. 106-549.97.~~ white-tailed deer."

SECTION 2. G.S. 113-129 is amended by adding a new subdivision to read:

"(1f) Cervid or Cervidae. – All animals in the Family Cervidae (elk and deer)."

SECTION 3. G.S. 113-129 is amended by adding two new subdivisions to

read:

"(5a) Deer. – White-tailed deer (Odocoileus virginianus), except when otherwise specified in this Chapter.

"(5b) Farmed Cervid. – Any member of the Cervidae family, other than white-tailed deer, elk, mule deer, or black-tailed deer, that is bought and sold for commercial purposes."

SECTION 4. G.S. 113-129(7c) reads as rewritten:

"(7c) Game Animals. – Bear, fox, rabbit, squirrel, wild boar, ~~and white-tailed deer, not to include fallow deer or red deer raised for production and sale under G.S. 106-549.97;~~ and, except when trapped in accordance with provisions relating to fur-bearing animals, bobcat, opossum, and ~~raccoon~~ raccoon, except when trapped in accordance with provisions relating to fur-bearing animals."

1 **SECTION 5.** Article 21 of Chapter 113 of the General Statutes is amended
2 by adding a new section to read:

3 **"§ 113-272.6. Transportation of cervids and licensing of captive cervid facilities.**

4 (a) The Wildlife Resources Commission shall regulate the transportation,
5 including importation and exportation, and possession of cervids, including game
6 carcasses and parts of game carcasses extracted by hunters. The Commission shall adopt
7 rules to implement this section, including requirements for captivity licenses, captivity
8 permits, and transportation permits. The rules adopted pursuant to this section shall
9 establish standards of care for the transportation and possession of cervids, including
10 requirements for fencing, tagging, record keeping, and inspection of captive cervid
11 facilities. Notwithstanding any other provision of law, the Commission may charge a
12 fee of up to fifty dollars (\$50.00) for the processing of applications for captivity
13 licenses, captivity permits, and transportation permits, and the renewal or modification
14 of those licenses and permits. The fees collected shall be applied to the costs of
15 administering this section.

16 (b) The Wildlife Resources Commission shall notify every applicant for a
17 transportation permit that any permit issued is subject to the applicant's compliance with
18 the Department of Agriculture and Consumer Services' requirements for transportation
19 pursuant to Article 34 of Chapter 106 of the General Statutes.

20 (c) The Department of Agriculture and Consumer Services shall regulate the
21 production and sale of farmed cervids for commercial purposes pursuant to G.S.
22 106-549.97.

23 (d) Notwithstanding any other provision of law, the North Carolina Wildlife
24 Resources Commission shall issue captivity licenses, captivity permits, or transportation
25 permits to any person possessing cervids that were held in captivity by that person prior
26 to May 17, 2002, if the Executive Director finds that the applicant has come into
27 compliance with all applicable rules related to the holding of cervids in captivity by
28 January 1, 2004, and that issuance of such license or permit does not pose unreasonable
29 risk to the conservation of wildlife resources.

30 (e) Any captivity license, captivity permit, or cervids held contrary to the
31 provisions of this section may be subject to forfeiture and disposition in accordance
32 with the provisions of G.S. 113-137 or G.S. 113-276.2."

33 **SECTION 6.** G.S. 113-276.2(a) reads as rewritten:

34 "(a) This section applies to the administrative control of:

- 35 (1) Persons, other than individual hunters and fishermen taking wildlife as
36 sportsmen, holding permits under this Article;
- 37 (2) Individuals holding special device licenses under G.S. 113-272.2(c)(1),
38 (1a), (2), and (2a);
- 39 (3) Individuals holding collection licenses under G.S. 113-272.4;
- 40 (4) Individuals holding captivity licenses under ~~G.S. 113-272.5~~; G.S.
41 113-272.5 and G.S. 113-272.6; and
- 42 (5) Persons holding dealer licenses under G.S. 113-273."

43 **SECTION 7.** G.S. 113-291.2(c) reads as rewritten:

1 "(c) An individual who has lawfully taken game within applicable bag,
2 possession, and season limits may, except as limited by rules adopted pursuant to
3 subsection (c1) of this section, after the game is dead, possess and personally transport it
4 for his own use by virtue of his hunting license, and without any additional permit,
5 subject to tagging and reporting requirements that may apply to the fox and big game, as
6 follows:

- 7 (1) In an area in which the season is open for the species, the game may be
8 possessed and transported without restriction.
- 9 (2) The individual may possess and transport the game lawfully taken on a
10 trip:
 - 11 a. To his residence;
 - 12 b. To a preservation or processing facility that keeps adequate
13 records as prescribed in G.S. 113-291.3(b)(3) or a licensed
14 taxidermist;
 - 15 c. From a place authorized in subparagraph b to his residence.
- 16 (3) The individual may possess the game indefinitely at his residence, and
17 may there accumulate lawfully-acquired game up to the greater of:
 - 18 a. The applicable possession limit for each species; or
 - 19 b. One half of the applicable season limit for each species.

20 The above subdivisions apply to an individual hunter under 16 years of age covered
21 by the license issued to his parent or guardian, if he is using that license, or by the
22 license of an adult accompanying him. An individual who has lawfully taken game as a
23 landholder without a license may possess and transport the dead game, taken within
24 applicable bag, possession, and season limits, to his residence. He may indefinitely
25 retain possession of such game, within aggregate possession limits for the species in
26 question, in his residence."

27 **SECTION 8.** G.S. 113-291.2 is amended by adding a new subsection to
28 read:

29 "(c1) In the event that the Executive Director finds that game carcasses or parts of
30 game carcasses are known or suspected to carry an infectious or contagious disease that
31 poses an imminent threat to the health or habitat of wildlife species, the Wildlife
32 Resources Commission shall adopt rules to regulate the importation, transportation, or
33 possession of those carcasses or parts of carcasses that, according to wildlife disease
34 experts, may transmit such a disease."

35 **SECTION 9.** G.S. 113-292(d) reads as rewritten:

36 "(d) The Wildlife Resources Commission is authorized to authorize, license,
37 regulate, prohibit, prescribe, or restrict anywhere in the State the acquisition,
38 importation, possession, transportation, disposition, or release into public or private
39 waters or the environment of ~~exotic~~ zoological or botanical species or specimens that
40 may threaten the introduction of epizootic disease or may create a danger to or an
41 imbalance in the environment inimical to the conservation of wildlife resources. This
42 subsection is not intended to give the Wildlife Resources Commission the authority to
43 supplant, enact any conflicting rules, or otherwise take any action inconsistent with that
44 of any other State agency acting within its jurisdiction."

1 **SECTION 10.** G.S. 113-294 is amended by adding a new subsection to read:
2 "(p) Any person who willfully imports or possesses black-tailed or mule deer
3 (*Odocoileus hemionus* and all subspecies) in this State for any purpose is guilty of a
4 Class 1 misdemeanor."

5 **SECTION 11.** G.S. 106-549.97 reads as rewritten:
6 "**~~§ 106-549.97. Regulation of fallow deer and red deer by Department of~~**
7 **~~Agriculture and Consumer Services; Services of certain cervids~~**
8 **~~produced and sold for commercial purposes; certain authority of North~~**
9 **~~Carolina Wildlife Resources Commission not affected; definitions.~~**

10 (a) The Department of Agriculture and Consumer Services shall regulate the
11 production and sale of ~~fallow deer and red deer for food purposes.~~ farmed cervids. The
12 Board of Agriculture shall adopt rules for the production and sale of ~~fallow deer and red~~
13 ~~deer for food purposes~~ farmed cervids in such a manner as to provide for close
14 supervision of any person, firm, or corporation producing and selling ~~fallow deer or red~~
15 ~~deer, or both, for food purposes.~~ farmed cervids and shall notify any such person, firm,
16 or corporation that the activity is subject to compliance with Wildlife Resources
17 Commission rules pursuant to G.S. 113-272.6.

18 (b) The North Carolina Wildlife Resources Commission shall regulate the
19 ~~possession and transportation of live fallow deer and live red deer and may adopt rules~~
20 ~~to prevent the release or escape of fallow deer or red deer, or both, upon finding that it is~~
21 ~~necessary to protect live fallow deer or live red deer, or both, or to prevent damage to~~
22 ~~the native deer population or its habitat.~~ possession and transportation, including
23 importation and exportation, of cervids pursuant to G.S. 113-272.6.

24 (c) The following definitions apply in this Article:

25 (1) ~~Fallow deer. — A member of the *Dama dama* species.~~

26 (2) ~~Red deer. — A member of the *Cervus elephus* species.~~

27 (3) Cervid or Cervidae. — All animals in the Family Cervidae (elk and
28 deer).

29 (4) Farmed Cervid. — Any member of the Cervidae family, other than
30 white-tailed deer, elk, mule deer, or black-tailed deer, that is bought
31 and sold for commercial purposes.

32 (5) White-tailed deer. — A member of the species *Odocoileus virginianus*."

33 **SECTION 12.** Section 10 of this act becomes effective October 1, 2003, and
34 applies to acts committed on or after that date. The remainder of this act is effective
35 when it becomes law.